

SECOND REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
**SENATE BILL NO. 978**  
**94TH GENERAL ASSEMBLY**

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Reported from the Committee on Elections April 10, 2008 with recommendation that House Committee Substitute for Senate Bill No. 978 Do Pass by Consent. Referred to the Committee on Rules pursuant to Rule 25(21)(f).

D. ADAM CRUMBLISS, Chief Clerk

4474L.03C

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**AN ACT**

To repeal sections 321.015 and 321.200, RSMo, and to enact in lieu thereof three new sections relating to boards overseeing emergency services.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 321.015 and 321.200, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 190.056, 321.015, and 321.200, to read as follows:

**190.056. 1. Each member of an ambulance district board of directors shall be subject to recall from office by the registered voters of the election district from which he or she was elected. Proceedings may be commenced for the recall of any such member by the filing of a notice of intention to circulate a recall petition under this section.**

**2. Proceedings may not be commenced against any member if, at the time of commencement, such member:**

**(1) Has not held office during his or her current term for a period of more than one hundred eighty days; or**

**(2) Has one hundred eighty days or less remaining in his or her term; or**

**(3) Has had a recall election determined in his or her favor within the current term of office.**

**3. The notice of intention to circulate a recall petition shall be served personally, or by certified mail, on the board member sought to be recalled. A copy thereof shall be filed, along with an affidavit of the time and manner of service, with the election authority,**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

15 as defined in chapter 115, RSMo. A separate notice shall be filed for each board member  
16 sought to be recalled and shall contain all of the following:

17 (1) The name of the board member sought to be recalled;

18 (2) A statement, not exceeding two hundred words in length, of the reasons for the  
19 proposed recall; and

20 (3) The names and business or residential addresses of at least one but not more  
21 than five proponents of the recall.

22 4. Within seven days after the filing of the notice of intention, the board member  
23 may file with the election authority a statement, not exceeding two hundred words in  
24 length, in answer to the statement of the proponents. If an answer is filed, the board  
25 member shall also serve a copy of it, personally or by certified mail, on one of the  
26 proponents named in the notice of intention. The statement and answer are intended solely  
27 to be used for the information of the voters. No insufficiency in form or substance of such  
28 statements shall affect the validity of the election proceedings.

29 5. Before any signature may be affixed to a recall petition, the petition is required  
30 to bear all of the following:

31 (1) A request that an election be called to elect a successor to the board member;

32 (2) A copy of the notice of intention, including the statement of grounds for recall;

33 (3) The answer of the board member sought to be recalled, if any exists. If the  
34 board member has not answered, the petition shall so state; and

35 (4) A place for each signer to affix his or her signature, printed name and  
36 residential address, including any address in a city, town, village, or unincorporated  
37 community.

38 6. Each section of the petition, when submitted to the election authority, shall have  
39 attached to it an affidavit signed by the person circulating such section, setting forth all of  
40 the following:

41 (1) The printed name of the affiant;

42 (2) The residential address of the affiant;

43 (3) That the affiant circulated that section and saw the appended signatures be  
44 written;

45 (4) That according to the best information and belief of the affiant, each signature  
46 is the genuine signature of the person whose name it purports to be;

47 (5) That the affiant is a registered voter of the election district of the board member  
48 sought to be recalled; and

49 (6) The dates between which all the signatures to the petition were obtained.

50 7. A recall petition shall be filed with the election authority not more than one  
51 hundred eighty days after the filing of the notice of intention.

52       **8. The number of qualified signatures required in order to recall a board member**  
53 **shall be equal in number to at least twenty-five percent of the number of voters who voted**  
54 **in the most recent gubernatorial election in such election district.**

55       **9. Within twenty days from the filing of the recall petition the election authority**  
56 **shall determine whether or not the petition was signed by the required number of qualified**  
57 **signatures. The election authority shall file with the petition a certificate showing the**  
58 **results of the examination. The election authority shall give the proponents a copy of the**  
59 **certificate upon their request.**

60       **10. If the election authority certifies the petition to be insufficient, it may be**  
61 **supplemented within ten days of the date of certification by filing additional petition**  
62 **sections containing all of the information required by this section. Within ten days after**  
63 **the supplemental copies are filed, the election authority shall file with them a certificate**  
64 **stating whether or not the petition as supplemented is sufficient.**

65       **11. If the certificate shows that the petition as supplemented is insufficient, no**  
66 **action shall be taken on it; however, the petition shall remain on file.**

67       **12. If the election authority finds the signatures on the petition, together with the**  
68 **supplementary petition sections, if any, to be sufficient, it shall submit its certificate as to**  
69 **the sufficiency of the petition to the ambulance district board of directors prior to its next**  
70 **meeting. The certificate shall contain:**

71           **(1) The name of the member whose recall is sought;**

72           **(2) The number of signatures required by law;**

73           **(3) The total number of signatures on the petition; and**

74           **(4) The number of valid signatures on the petition.**

75       **13. Following the ambulance district board's receipt of the certificate, the election**  
76 **authority shall order an election to be held on one of the election days specified in section**  
77 **115.123, RSMo. The election shall be held not less than forty-five days but not more than**  
78 **one hundred twenty days from the date the ambulance district board receives the petition.**  
79 **Nominations for board membership openings under this section shall be made by filing a**  
80 **statement of candidacy with the election authority.**

81       **14. At any time prior to forty-two days before the election, the member sought to**  
82 **be recalled may offer his or her resignation. If his or her resignation is offered, the recall**  
83 **question shall be removed from the ballot and the office declared vacant. The member**  
84 **who resigned shall not fill the vacancy, which shall be filled as otherwise provided by law.**

85       **15. The provisions of chapter 115, RSMo, governing the conduct of elections shall**  
86 **apply, where appropriate, to recall elections held under this section. The costs of the**  
87 **election shall be paid as provided in chapter 115, RSMo.**

321.015. No person holding any lucrative office or employment under [this state, or] any political subdivision thereof as defined in section 70.120, RSMo, shall hold the office of fire protection district director under this chapter. When any fire protection district director accepts any office or employment under [this state or] any political subdivision thereof, his office shall thereby be vacated and he shall thereafter perform no duty and receive no salary or expenses as fire protection district director. This section shall not apply to members of the organized militia, of the reserve corps, public school employees and notaries public, or to fire protection districts located wholly within counties of the second, third or fourth class or located within first class counties not adjoining any other first class county, nor shall this section apply to any county of the first or second class not having more than nine hundred thousand inhabitants which borders any three first class counties; nor shall this section apply to any first class county without a charter form of government which adjoins both a first class county with a charter form of government with at least nine hundred thousand inhabitants, and adjoins at least four other counties. The term "lucrative office or employment" does not include receiving retirement benefits, compensation for expenses, or a stipend or per diem, in an amount not to exceed seventy-five dollars for each day of service, for service rendered to a fire protection district[, the state] or any political subdivision thereof.

321.200. 1. The board shall meet regularly, not less than once each month, at a time and at some building in the district to be designated by the board. Notice of the time and place of future regular meetings shall be posted continuously at the firehouse or firehouses of the district. Additional meetings may be held, when the needs of the district so require, at a place regular meetings are held, and notice of the time and place shall be given to each member of the board. Meetings of the board shall be held and conducted in the manner required by the provisions of chapter 610, RSMo. All minutes of meetings of the board and all other records of the fire protection district shall be available for public inspection at the main firehouse within the district by appointment with the secretary of the board within one week after a written request is made between the hours of 8:00 a.m. and 5:00 p.m. every day except Sunday. A majority of the members of the board shall constitute a quorum at any meeting and no business shall be transacted unless a quorum is present. The board, acting as a board, shall exercise all powers of the board, without delegation thereof to any other governmental or other body or entity or association **except as provided in subsection 3 of this section**, and without delegation thereof to less than a quorum of the board. Agents, employees, engineers, auditors, attorneys, [firemen] **firefighters**, and any other member of the staff of the district may be employed or discharged only by a board which includes at least two directors; but any board of directors may suspend from duty any such person or staff member who willfully and deliberately neglects or refuses to perform his or her regular functions.

20           2. Any vacancy on the board shall be filled by the remaining elected members of the  
21 board, except when less than two elected members remain on the board any vacancy shall be  
22 filled by the circuit court of the county in which all or a majority of the district lies. The  
23 appointee or appointees shall act until the next biennial election at which a director or directors  
24 are elected to serve the remainder of the unexpired term.

25           **3. Upon a majority vote of the board, the board may delegate such powers and**  
26 **responsibilities granted in subdivisions (4), (6), (8), (9), and (11) of section 321.220, and**  
27 **granted in subdivisions (4), (6), (8), (9), and (11) of section 321.600, to the fire chief as the**  
28 **board deems appropriate for the efficient operation of the district. The board shall have**  
29 **the power to rescind any delegation of power under this subsection by majority vote of the**  
30 **board.**

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Bill

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